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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,049	01/16/2004	Michael E. Clark	28685.08

John W. Montgomery, Esq.  
 15830 Brook Forest Drive  
 Houston, TX 77059

CONFIRMATION NO. 8489

## FORMALITIES LETTER



\*OC000000012426049\*

Date Mailed: 04/23/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/25/2004 EFLORES 00000056 10760049

01 FC:2051

65.00 DP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$18 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$83** for a Small Entity

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$18**
  - \$18 for 3 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

*N. Mohammed*

Customer Service Center

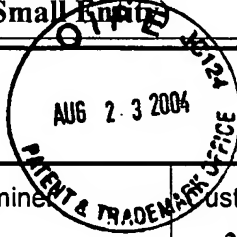
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
17145.002003

In Re Application Of: Michael E. CLARK et al.



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/760,049	January 16, 2004		22511	3712	8489

Invention: NESTED TOYS DEPICTING THE LIKENESS OF CELEBRITIES AND SPORTS PERSONALITIES  
AND MANUFACTURING METHOD

22511

PATENT TRADEMARK OFFICE

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
April 23, 2004  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ 1 verified small entity declaration(s)
  - ☒ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☐ A separate request for refund.
- ☒ Other (list):

**1. Reply to Notice to File Missing Parts of NonProvisional Application (4 pages)  
and attached copies:**

- (a). Notice to File Missing Parts dated April 23, 2004 (2 pages)
- (b). Express Mail Label for Filing of Utility Patent Application, dated January 16, 2004 (1 page);
- (c). Utility Application Transmittal (indicating filing fees of \$397.00 enclosed) (1 page); and
- (d). Check in the amount of \$397.00 submitted with Application (1 page).

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

**Docket No.**  
**17145.002003**

**In Re Application Of: Michael E. CLARK et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/760,049	January 16, 2004		22511	3712	8489

**Invention: NESTED TOYS DEPICTING THE LIKENESS OF CELEBRITIES AND SPORTS PERSONALITIES AND MANUFACTURING METHOD**

TO THE COMMISSIONER FOR PATENTS:

## Mail Stop Missing Parts

- ☒ Completion of application fees as calculated below:

- |                                                                                                                                 |                |
|---------------------------------------------------------------------------------------------------------------------------------|----------------|
| <input type="checkbox"/> Utility application filing fee                                                                         | _____          |
| <input type="checkbox"/> Design application filing fee                                                                          | _____          |
| <input type="checkbox"/> Total number of independent claims = _____                                                             | _____          |
| <input type="checkbox"/> Total number of claims = _____                                                                         | _____          |
| <input type="checkbox"/> Multiple dependent claims                                                                              | _____          |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | <b>\$65.00</b> |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor               | _____          |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification                      | _____          |
| <input type="checkbox"/> Fee for processing and retention of application                                                        | _____          |

**Total completion of application fees** **\$65.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

- ☐ One month      ☒ Two months      ☐ Three months      ☐ Four months      ☐ Five months

from: June 23, 2004  
Date

until: August 23, 2004  
Date

<b>Total time extension fees</b>	<b>\$210.00</b>
----------------------------------	-----------------

**Total fees due                    \$275.00**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
17145.002003

In Re Application Of: Michael E. CLARK et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/760,049	January 16, 2004		22511	3712	8489

Invention: NESTED TOYS DEPICTING THE LIKENESS OF CELEBRITIES AND SPORTS PERSONALITIES  
AND MANUFACTURING METHOD

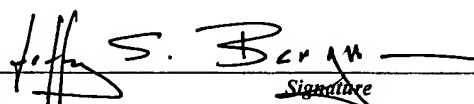
TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$275.00 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-0591
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0591

Dated: 8/23/04

 45,925  
Signature

John W. Montgomery, Reg. No. 31,124  
OSHA & MAY L.L.P.  
1221 McKinney, Suite 2800  
Houston, Texas 77010

Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



U.S. Patent Application Serial No.10/760,049  
Attorney Docket No. 17145.002003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael E. CLARK *et al.*  
Serial No.: 10/760,049  
Filed : January 16, 2004  
Title : NESTED TOYS DEPICTING LIKENESS OF CELEBRITIES AND SPORTS  
PERSONALITIES AND MANUFACTURING METHOD

Art Unit : 3712  
Examiner :  
Confirmation No.: 8489

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22511  
PATENT TRADEMARK OFFICE

**REPLY TO NOTICE TO FILE MISSING PARTS**  
**OF NONPROVISIONAL APPLICATION**

In response to the Notice to File Missing Parts of Nonprovisional Application  
dated April 23, 2004, Applicant submits the following comments, remarks and  
documents.

08/25/2004 EFLURES 00000056 10760049

02 FC:2252

210.00 UP

OATH OR DECLARATION:

Applicant submits herewith the executed Declaration and Power of Attorney for the referenced application, together with a credit card payment in the amount of \$65.00 for supplying the late filing fee for the Declaration. Also enclosed is a copy of the Notice to File Missing Parts of Nonprovisional Application.

Please note that the enclosed Declaration and Power of Attorney indicates a new address and telephone number for directing all future correspondence and inquiries. The address, is:

John W. Montgomery  
**Osha & May, L.L.P.**  
1221 McKinney, Suite 2800  
Houston, Texas 77010  
Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

Further, please change the attorney docket number corresponding to this application **from** "28685.08" **to** "17145.002003" as indicated on the transmittal letter filed with this document.

FEES FOR CLAIMS IN EXCESS OF 20

The Notice to File Missing Parts indicates that an amount of \$18.00 is owed for filing 3 claims in excess of 20 for a small entity non-provisional application. Applicant respectfully submits that the correct amount of \$27.00 (\$9.00 for 3 excess claims) was paid together with the filing of the application. Applicant submits herewith photocopies of the following documents in support thereof:

1. A photocopy of the Express Mail Label used to transmit the application and attached

documents;

2. A photocopy of the Utility Patent Application Transmittal Letter indicating check

amount of \$397.00; and,

3. A photocopy of a check in the amount of \$397.00 (\$370.00 for the small entity basic filing fee, and \$27.00 for three claims in excess of twenty) submitted with application.

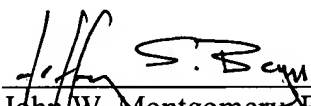


**REMARKS**

Applicant believes this reply is fully responsive to all outstanding issues noted in the Notice to File Missing Parts of Nonprovisional Application, and places this application in condition for full consideration. If this belief is incorrect, or other issues arise, please contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17145.002003).

Date: 8/23/04

Respectfully submitted,

 45,925  
\_\_\_\_\_  
John W. Montgomery, Reg. No. 31,124  
OSHA & MAY L.L.P.  
1221 McKinney Street, Suite 2800  
Houston, TX 77010

Telephone: (713) 228-8600  
Facsimile: (713) 228-8778

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Date in Month <b>1</b>	Date in Year <b>03</b>	Postage <b>\$ 1.19</b>
Time in AM <input checked="" type="checkbox"/> PM <b>2:35</b>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee <input type="checkbox"/>
Weight lbs. <b>10</b> ozs.	Int'l Alpha Country Code	COD Fee <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>92</b>	Insurance Fee <input type="checkbox"/>
		Total Postage & Fees <b>\$ 13.65</b>

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Delivery Attempt	Time	Employee Signature
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Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

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PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> <b>WAIVER OF SIGNATURE (Domestic Only)</b> Additional merchandise insurance is void if waiver of signature is requested. (With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and authorized that delivery employee's signature constitutes valid proof of delivery.)
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<input checked="" type="checkbox"/> NO DELIVERY Weekend <input type="checkbox"/> Holiday	Customer Signature

FROM: (PLEASE PRINT)

PHONE **281 282 0100** **HOUSTON**

**JOHN W. MONTGOMERY**  
**15830 BROOK FOREST DR**  
**HOUSTON TX 77059**

**28685.08**

AIRPORT  
MAIL CENT

JAN 16 2004

TO: (PLEASE PRINT)

PHONE **703 308-1202**

**Box New Application**  
**COMMISSIONER FOR PATENTS**  
**PO BOX 1450**  
**ALEXANDRIA VA 22313-1450**

FOR PICKUP OR TRACKING CALL 1-800-222-1811

[www.usps.com](http://www.usps.com)

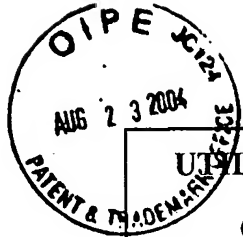


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## UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

**28685.08**

## TO THE ASSISTANT COMMISSIONER FOR PATENTS :

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Michael E. Clark, et al, entitled Nested Toys Depicting Likeness Of Celebrities And Sports Personalities And Manufacturing Method, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

## Enclosed are:

(X) Specification; 28 Total Pages. (X) Drawing(s); 10 Total Sheets.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

( ) Signed. X Unsigned. ( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

( ) Power of Attorney.

(X) Return Receipt Postcard.

( ) Associate Power of Attorney.

( ) A Check in the amount of \$ 397.00 for the Filing Fee.

( ) Preliminary Amendment.

( ) Information Disclosure Statement and Form PTO-1449.

( ) A Certified Copy of Priority Documents (if foreign priority is claimed).

( ) Applicant claims small entity status.

( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	23	3	\$9.00	\$27.00
Independent Claims	2	0	\$42.00	\$0.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$370.00
Total Filing Fee				\$397.00

Please charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: John W. Montgomery

John W. Montgomery, Attorney of Record, Reg. No. 31124

Date:

Correspondence Address:

John W. Montgomery, Esq.  
15830 Brook Forest Drive  
Houston, TX 77059  
Phone: 281 282-0127  
Fax: 281 282-0127

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box Patent Application

Washington, D.C. 20231

22313-1450

By: John W. Montgomery

Typed Name: John W. Montgomery

Express Mail Label No.: ER161521776US

Date of Deposit:

JOHN W. MONTGOMERY  
APRIL D. MONTGOMERY  
15830 BROOK FOREST  
HOUSTON, TEXAS 77059

32-61 88  
1110  
0015022627

148

DATE 1-16-04

PAY TO THE  
ORDER OF

COMMISSIONER FOR PATENTS

\$397<sup>00</sup>/<sub>100</sub>

Three hundred ninety-seven <sup>00</sup>/<sub>100</sub> DOLLARS

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APP. FILING FEE 28685.08

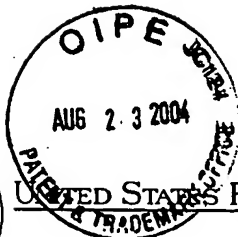
John W. Montgomery

Central - State W. Group Inc.

11110006141

00150226270148

MP



UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,049	01/16/200	Michael E. Clark	28685.08

John W. Montgomery, Esq.  
 15830 Brook Forest Drive  
 Houston, TX 77059

CONFIRMATION NO. 8489

## FORMALITIES LETTER



\*OC000000012426049\*

Date Mailed: 04/23/2004

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FILED UNDER 37 CFR 1.53(b)

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- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

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Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

*N. Mohamed*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)****Applicant(s):** Michael E. CLARK *et al.***Docket No.**

17145.002003

**Serial No.**

10/760,049

**Filing Date**

January 16, 2004

**Examiner****Customer No.**

22511

**Group Art Unit**

3712

**Invention:****NESTED TOYS DEPICTING THE LIKENESS OF CELEBRITIES AND SPORTS PERSONALITIES  
AND MANUFACTURING METHOD**

I hereby certify that the following correspondence:

Reply to Notification of Missing Parts of Nonprovisional Application & Attachments; Response to Notice  
to File Missing Parts; Small Entity Declaration; Declaration and Power of Attorney; and, Fees*(Identify type of correspondence)*is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service  
under 37 CFR 1.10 in an envelope addressed to:Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450on 8-23-04  
(Date)Beri Hartwell*(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)*EV526069446US*("Express Mail" Mailing Label Number)*

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